

(Advance copy. The usual printed copies will be sent later.)

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 6340
Docket No. 6163-I
2-N&W-I-'72

The Second Division consisted of the regular members and in addition Referee Robert G. Williams when award was rendered.

Parties to Dispute: (Herbert S. Fink, Petitioner, Sheet Metal Worker
(Norfolk and Western Railway Company

Dispute: Claim of Petitioner:

My claim is that L. S. Ayers was taken directly from the Sheet Metal Worker Helper seniority list and hired as a Sheet Metal Worker and placed on the Sheet Metal Workers seniority list even though he did not have 4 years experience at the various branches of the trade. This violation of our agreement was brought about with the concurrence of our General Chairman, Mr. B. T. Proffitt and the N & W Railway, and since I have served an apprenticeship and have 4 years experience I should have been placed ahead of him on the seniority list, and all others who have not served an apprenticeship on a Railway.

Findings:

The Second Division of the Adjustment Board, upon the whole record and the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

It appears that this claim was not handled on the property in accordance with the requirements of the applicable agreement nor in accordance with the requirements of the Railway Labor Act, as amended, so we have no authority to sustain it.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Test: E. A. Killen

Executive Secretary

Dated at Chicago, Illinois, this 7th day of July, 1972.